

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

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4 SPORTS SHINKO (USA) CO., LTD., a Delaware  
5 Corporation; SPORTS SHINKO (MILILANI)  
6 CO., LTD., a Hawaii corporation, et al.,  
7 Plaintiff,

8 vs. Case No. 02-1-2766-11 (EEH)  
9 RESORT MANAGEMENT SERVICES  
10 (HAWAII), INC., a Hawaii corporation,  
11 YASUO NISHIDA, SATOSHI KINOSHITA, et al.  
12 Defendants.  
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14  
15 DEPOSITION OF SATOSHI KINOSHITA

16 (Volume III)

17  
18 Taken on behalf of the Plaintiff at Alston Hunt Floyd &  
19 Ing, 1001 Bishop St., ASB Tower, 18th Floor, Honolulu,  
20 Hawaii 96813, commencing at 9:00 a.m., Thursday, April  
21 21, 2005, pursuant to Notice.

22  
23 BEFORE: BARBARA ACOBA, CSR No. 412, RPR  
24 Notary Public, State of Hawaii  
25

1 APPEARANCES:

2 For Plaintiff: GLENN MELCHINGER, Esq.  
3 ALSTON HUNT FLOYD & ING  
4 ASB Tower  
5 1001 Bishop St., 18th Floor  
6 Honolulu, Hawaii 96813  
7

8 For Defendant SATOSHI KINOSHITA:

9 JOHN KOMEIJI, Esq.  
10 WATANABE ING KAWASHIMA & KOMEIJI  
11 First Hawaiian Center  
12 999 Bishop St., 23rd Floor  
13 Honolulu, Hawaii 96813  
14

15  
16 Also Present: STEVEN SILVER - Interpreter  
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1 relevancy and not reasonably calculated to lead to the  
2 discovery of admissible evidence in this matter.

3 THE WITNESS: As far as I recall, there were  
4 three meetings that were held with the KG Group, and  
5 you're asking me about the individuals who were  
6 involved, so let's take them in order. The first of  
7 those three meetings was a telephone conference between  
8 me and KG, so there was nobody else involved. The  
9 second meeting I attended with the president of our  
10 company. And the third meeting involved the McCorriston  
11 law firm and the attorneys for the KG Group side.

12 BY MR. MELCHINGER:

13 Q. Do you recall when the meeting -- when you had  
14 a meeting with Toshio and somebody from KG, the number  
15 two point that you mentioned?

16 A. It was sometime in late December of 2001.

17 Q. Where was it?

18 A. In Tokyo.

19 Q. So somebody from KG came to Tokyo?

20 A. Yes.

21 Q. And the only people present were you and the  
22 president and somebody from KG; is that right?

23 A. I believe so.

24 Q. The president doesn't speak English very well,  
25 right?

1 A. That's correct.

2 Q. Was there an interpreter or somebody present at  
3 the meeting?

4 A. Yes. That's correct. There was an interpreter  
5 present.

6 Q. Do you remember who that was?

7 A. It was a gentleman named Mr. Takahashi,  
8 T-a-k-a-h-a-s-h-i.

9 Q. Is that somebody who KG brought with them, or  
10 who was Mr. Takahashi affiliated with, if anybody?

11 A. He was an interpreter that KG had brought with  
12 them.

13 Q. So Mr. Takahashi came from Hawaii, as far as  
14 you know?

15 A. Right.

16 Q. Do you know if Mr. Takahashi was a KG employee  
17 or how did Mr. Takahashi introduce himself?

18 A. He introduced himself as Takahashi, the  
19 interpreter.

20 Q. From KG was it Wayne Tanigawa who was present;  
21 is that right?

22 A. Yes.

23 Q. Was there anybody else from KG?

24 A. No.

25 Q. Was there anybody else from Sports Shinko,

1 A. I don't know.

2 Q. So it's your understanding that Mr. Mukai spoke  
3 with somebody at KG and KG sent you this letter, Exhibit  
4 50; is that right?

5 A. Yes.

6 Q. Did you ever talk with Mr. Mukai at any point  
7 in time about what he discussed with KG before they sent  
8 this letter, Exhibit 50?

9 A. No.

10 Q. Do you know what Mr. Mukai's relationship is  
11 with either Bert Kobayashi, the developer, or KG?

12 A. No.

13 Q. Even today, you don't know; is that right?

14 A. Right.

15 Q. Was it your understanding, then, that Mr. Mukai  
16 had sort of introduced KG to Sports Shinko; is that  
17 right?

18 A. Yes.

19 MR. MELCHINGER: I think the translation was --  
20 off the record. I need to clarify. Actually, could the  
21 Translator just retranslate.

22 THE INTERPRETER: Sure.

23 BY MR. MELCHINGER:

24 Q. Was it your understanding, then, in 2001,  
25 December, that Mr. Mukai had introduced KG to Sports

1 Shinko?

2 A. Yes.

3 Q. Did you ever have any discussion with Mr. Mukai  
4 or anybody else at the McCorriston law firm regarding  
5 how Kobayashi Group came to make the offer that's in  
6 Exhibit 54?

7 A. Yes.

8 Q. Do you know about when that was, what time?

9 A. It would have been at some point in time  
10 between December 4th, 2001, and December 11th, but I  
11 don't recall exactly when it was.

12 Q. Was that a telephone conference or personal  
13 meeting with Mr. Mukai or who was present and how was  
14 the conference held?

15 A. It was either via the telephone or I may have  
16 met with him in person. I don't recall.

17 Q. But it was with Mr. Mukai, not Mr. Kawatani or  
18 somebody else from the office; is that right?

19 A. Right.

20 Q. And what did he tell you during that  
21 conference?

22 A. He said that the Kobayashi Group was interested  
23 not just in submitting a letter expressing their  
24 interest, but in submitting an offer and he wanted us to  
25 provide them with financial information.

## C E R T I F I C A T E

STATE OF HAWAII )

CITY AND COUNTY OF HONOLULU )

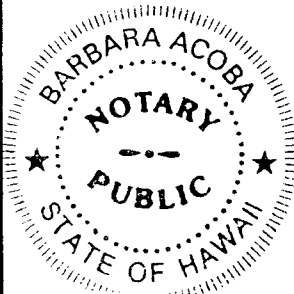
I, BARBARA ACOBA, Certified Shorthand  
Reporter and Notary Public, State of Hawaii, do  
hereby certify:

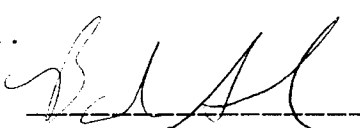
That on Thursday, April 21, 2005, at  
9:00 a.m., appeared before me SATOSHI KINOSHITA, the  
witness whose deposition is contained herein; that  
prior to being examined he was by me duly sworn;

That the deposition was taken down by me  
in machine shorthand and was thereafter reduced to  
typewriting under my supervision; that the foregoing  
represents, to the best of my ability, a true and  
correct transcript of the proceedings had in the  
foregoing matter.

I further certify that I am not an attorney  
for any of the parties hereto, nor in any way concerned  
with the cause.

Dated this 30th day of April, 2005,  
in Honolulu, Hawaii.



  
BARBARA ACOBA, CSR NO. 412

Notary Public, State of Hawaii

My Commission Exp: 10-22-2008